

1 *[Counsel For All Parties*  
2 *Listed on Signature Page]*

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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 KEITH THOMAS, RICHARD HAYES, HERB  
14 SMITH, and OKLAHOMA POLICE PENSION  
& RETIREMENT SYSTEM,  
15 Plaintiffs,  
16 v.

17 MAGNACHIP SEMICONDUCTOR CORP.  
18 SANG PARK, TAE YOUNG HWANG,  
19 MARGARET SAKAI, R. DOUGLAS NORBY,  
20 ILBOK LEE, NADER TAVAKOLI, RANDAL  
KLEIN, MICHAEL ELKINS, AVENUE  
21 CAPITAL MANAGEMENT II, L.P.,  
22 BARCLAYS CAPITAL INC., DEUTSCHE  
BANK SECURITIES INC., CITIGROUP  
GLOBAL MARKETS INC., UBS  
SECURITIES LLC and NEEDHAM &  
COMPANY, LLC,  
23 Defendants.

Case No.: 3:14-cv-01160-JST

**CLASS ACTION**

Judge: Hon. Jon S. Tigar

**STIPULATION AND ~~PROPOSED~~  
ORDER PURSUANT TO LOCAL RULE  
6-2**

1 Avenue Capital Management II, LP (“Avenue Capital”) and Plaintiffs (together with  
2 Avenue Capital, the “Parties”), through their undersigned counsel, hereby submit this Stipulation  
3 and Proposed Order regarding Plaintiffs’ withdrawal of their designation of William H. Purcell  
4 (“Purcell”) as an expert for trial and the expert report of Purcell (“Purcell Report”), Avenue  
5 Capital’s corresponding withdrawal of its Motion to Strike the Expert Report and Preclude the  
6 Testimony of William H. Purcell (“Motion”), and the resultant amended discovery deadlines:

7 WHEREAS, Avenue Capital filed the Motion (ECF No. 303), Plaintiffs filed an opposition  
8 (ECF No. 312), and Avenue Capital filed a reply (ECF No. 315);

9 WHEREAS, by order dated March 20, 2017 (ECF No. 304), the Court set a hearing on the  
10 Motion for May 4, 2017 at 2 p.m., the time of which was amended by order dated March 27, 2017  
11 (ECF No. 310) to May 4, 2017 at 9:30 a.m. (“Hearing”);

12 WHEREAS, by order dated May 1, 2017 (ECF No. 316), the Court requested that, for the  
13 Hearing, the Parties be prepared to address whether Plaintiffs should be allowed to file a new  
14 supplemental expert report and to identify deadlines for a supplemental expert report and rebuttal if  
15 the Court granted the Motion;

16 WHEREAS, by order dated March 22, 2017 (ECF No. 309) (“March 22 Scheduling  
17 Order”), expert rebuttal reports shall be served on or before July 7, 2017 (provided however that  
18 Avenue Capital’s deadline to serve rebuttal to the Purcell Report shall be the later of July 7, 2017,  
19 and 30 days after the Court resolves the Motion), expert reply reports shall be served on or before  
20 August 4, 2017 (provided however that Plaintiffs’ deadline to serve a reply regarding the Purcell  
21 Report shall be the later of August 4, 2017, and 60 days after the Court resolves the Motion), expert  
22 discovery shall be complete by September 1, 2017 (provided however that the deadline to complete  
23 expert discovery with respect to Purcell shall be the later of September 1, 2017, and 90 days after  
24 the Court resolves the Motion), dispositive motions shall be filed by October 4, 2017, pretrial  
25 statements shall be filed by March 16, 2018, a pretrial conference shall take place on March 23,  
26 2018, and a jury trial shall take place beginning April 23, 2018;

27 WHEREAS, the undersigned parties believe that the circumstances described above warrant  
28 good cause to order the following.

1 NOW, THEREFORE, the undersigned hereby stipulate, subject to Court approval, that:

- 2 1. Plaintiffs shall withdraw their designation of Purcell as an expert for trial and the Purcell  
3 Report;
  - 4 2. Avenue Capital shall withdraw its Motion;
  - 5 3. The Hearing is canceled;
  - 6 4. All deadlines associated with the Purcell Report in the March 22 Scheduling Order are  
7 canceled;
  - 8 5. Plaintiffs shall serve any supplemental expert disclosure to replace their designation of  
9 Purcell as an expert for trial and the Purcell Report (“Replacement Report”) on or before  
10 July 7, 2017;
  - 11 6. The scope of the opinions expressed in the Replacement Report shall be substantially the  
12 same as the scope of the opinions expressed in the Purcell Report;
  - 13 7. Avenue Capital shall serve its expert rebuttal to the Replacement Report on or before  
14 September 20, 2017;
  - 15 8. Plaintiffs shall serve any expert reply to Avenue’s rebuttal to the Replacement Report on  
16 or before October 18, 2017;
  - 17 9. The deadline for completing expert discovery with respect to the Replacement Report  
18 shall be November 15, 2017;
  - 19 10. The deadline for filing dispositive motions is extended from October 4, 2017 to  
20 December 15, 2017;
  - 21 11. The deadline for filing pretrial statements is extended from March 16, 2018 to April 13,  
22 2018;
  - 23 12. The pretrial conference scheduled on March 23, 2018 is continued to April 20, 2018 or  
24 as soon as possible thereafter; and
  - 25 13. The jury trial scheduled to begin on April 23, 2018 is continued to May 21, 2018 or as  
26 soon as possible thereafter.
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1           **IT IS SO STIPULATED:**

2   Dated: May 2, 2017

3   **AKIN GUMP STRAUSS HAUER**  
4   **& FELD LLP**

5   /s/ Peter I. Altman

6   Neal R. Marder (SBN 126879)  
7   Peter I. Altman (SBN 285292)  
8   Ali R. Rabbani (SBN 253730)  
9   Andrew S. Jick (SBN 278943)  
10   1999 Avenue of the Stars, Suite 600  
11   Los Angeles, CA 90067-6022  
12   Telephone: 310.229.1000  
13   Facsimile: 310.229.1001  
14   nmarder@akingump.com  
15   paltman@akingump.com  
16   arabbani@akingump.com  
17   ajick@akingump.com

18   John C. Murphy  
19   One Bryant Park  
20   Bank of America Tower  
21   New York, NY 10036  
22   Telephone: 212.872.1000  
23   Facsimile: 212.872.1002  
24   jmurphy@akingump.com

25   ***Counsel for Avenue Capital Management II,***  
26   ***L.P.***

3   **POMERANTZ LLP**

5   /s/ Jonathan Stern

6   Patrick V. Dahlstrom  
7   Joshua B. Silverman  
8   Louis C. Ludwig  
9   10 South LaSalle, Ste. 3505  
10   Chicago, Illinois 60603  
11   Telephone: (312) 377-1181  
12   Facsimile: (312) 377-1184  
13   Email: pdahlstrom@pomlaw.com  
14   jbsilverman@pomlaw.com  
15   lcludwig@pomlaw.com

16   Marc I. Gross  
17   Jeremy A. Lieberman  
18   Michael J. Wernke  
19   600 Third Avenue, 20th Floor  
20   New York, New York 10016  
21   Telephone: (212) 661-1100  
22   Facsimile: (212) 661-8665  
23   Email: migross@pomlaw.com  
24   jalieberman@pomlaw.com  
25   mjwernke@pomlaw.com

26   **THE ROSEN LAW FIRM, P.A.**

27   Laurence M. Rosen, Esq. (CSB# 219683)  
28   Jonathan Stern  
29   275 Madison Avenue, 34th Floor  
30   New York, New York 10016  
31   Telephone: (212) 686-1060  
32   Fax: (212) 202-3827  
33   Email: lrosen@rosenlegal.com

34   ***Class Counsel***

35   **GLANCY PRONGAY & MURRAY LLP**

36   Lionel Z. Glancy (CSB# 134180)  
37   Robert V. Prongay (CSB# 270796)  
38   1925 Century Park East, Suite 2100  
39   Los Angeles, CA 90067  
40   Telephone: (310) 201-9150  
41   Facsimile: (310) 201-9160  
42   Email: info@glancylaw.com

43   ***Liaison Counsel***

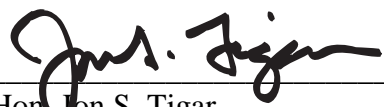
44   \*\*Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has  
45   been obtained from each of the other signatories above.

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 3, 2017

  
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Hon. Jon S. Tigar,  
United States District Judge